

## CHAPTER 1106

### TOBACCO, TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS, AND CIGARETTES — MINIMUM AGE FOR PURCHASE, SALE, POSSESSION, OR USE

S.F. 2268

**AN ACT** establishing the minimum age relative to various activities relating to tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes, making penalties applicable, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 321.216C](#), Code 2020, is amended to read as follows:

**321.216C Use of driver's license or nonoperator's identification card by underage person to obtain tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.**

A person who is under the age of ~~eighteen~~ twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license or card to violate or attempt to violate [section 453A.2, subsection 2](#), commits a simple misdemeanor punishable as a scheduled violation under [section 805.8A, subsection 4](#). The court shall forward a copy of the conviction to the department.

Sec. 2. [Section 453A.2, subsections 1, 2, and 3](#), Code 2020, are amended to read as follows:

1. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under ~~eighteen~~ twenty-one years of age.

2. A person under ~~eighteen~~ twenty-one years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

3. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under ~~eighteen~~ twenty-one years of age does not constitute a violation under [this section](#) if the individual under ~~eighteen~~ twenty-one years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the individual's employment and the individual is employed by a person who holds a valid permit under [this chapter](#) or who lawfully offers for sale or sells cigarettes or tobacco products.

Sec. 3. [Section 453A.2, subsection 8](#), paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) The compliance effort is conducted with the advance knowledge of law enforcement officers and reasonable measures are adopted by those conducting the effort to ensure that use of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by individuals under ~~eighteen~~ twenty-one years of age does not result from participation by any individual under ~~eighteen~~ twenty-one years of age in the compliance effort.

Sec. 4. [Section 453A.5, subsection 1](#), Code 2020, is amended to read as follows:

1. The alcoholic beverages division of the department of commerce shall develop a tobacco compliance employee training program not to exceed two hours in length for employees and prospective employees of retailers, as defined in [sections 453A.1 and 453A.42](#), to inform the employees about state and federal laws and regulations regarding the sale of tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes to persons under ~~eighteen~~ twenty-one years of age and compliance with and the importance of laws regarding the sale of tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes to persons under ~~eighteen~~ twenty-one years of age.

Sec. 5. [Section 453A.36, subsection 6](#), Code 2020, is amended to read as follows:

6. Any sales of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes made through a cigarette vending machine are subject to rules and penalties relative to retail sales of tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes provided for in [this chapter](#). Cigarettes shall not be sold through any cigarette vending machine unless the cigarettes have been properly stamped or metered as provided by [this subchapter](#), and in case of violation of this provision, the permit of the dealer authorizing retail sales of cigarettes shall be revoked. Payment of the permit fee as provided in [section 453A.13](#) authorizes a cigarette vendor to sell tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes through vending machines. However, tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes shall not be sold through a vending machine unless the vending machine is located in a place where the retailer ensures that no person younger than ~~eighteen~~ twenty-one years of age is present or permitted to enter at any time. Tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes shall not be sold through any cigarette vending machine if such products are placed together with any nontobacco product, other than matches, in the cigarette vending machine. [This section](#) does not require a retail permit holder to buy a cigarette vendor's permit if the retail permit holder is in fact the owner of the cigarette vending machines and the machines are operated in the location described in the retail permit.

Sec. 6. [Section 453A.39, subsection 2](#), paragraphs b and c, Code 2020, are amended to read as follows:

b. A manufacturer, distributor, wholesaler, retailer, or distributing agent or agent thereof shall not give away any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under ~~eighteen~~ twenty-one years of age, or within five hundred feet of any playground, school, high school, or other facility when such facility is being used primarily by persons under age ~~eighteen~~ twenty-one for recreational, educational, or other purposes.

c. Proof of age shall be required if a reasonable person could conclude on the basis of outward appearance that a prospective recipient of a sample may be under ~~eighteen~~ twenty-one years of age.

Sec. 7. [Section 453A.47B](#), Code 2020, is amended to read as follows:

**453A.47B Requirements for mailing or shipping — alternative nicotine products or vapor products.**

A retailer shall not mail, ship, or otherwise cause to be delivered any alternative nicotine product or vapor product in connection with a delivery sale unless the retailer meets all of the following apply conditions:

1. Prior to sale to the purchaser, the retailer verifies that the purchaser is at least ~~eighteen~~ twenty-one years of age through or by one of the following:

a. A commercially available database, or aggregate of databases, that is regularly used by government and businesses for the purpose of age and identity verification.

b. Obtaining a copy of a valid government-issued document that provides the name, address, and date of birth of the purchaser.

2. The retailer uses a method of mailing, shipping, or delivery that requires the signature of a person who is at least ~~eighteen~~ twenty-one years of age before the shipping package is released to the purchaser.

Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 29, 2020